

“Date”

Mr. Alton McGee
5364 Laredo Ave.
Baton Rouge, LA 70811

RE: Ethics Board Docket No. 2020-705

Dear Mr. McGee:

The Louisiana Board of Ethics, at its February 5, 2021 meeting, considered your request for an advisory opinion as to whether you may form two non-profit corporations to assist Glen Oaks High School where you are employed as a Business Education teacher.

FACTS PROVIDED

You provided that you are currently employed by the East Baton Rouge Parish School Board as a Business Education teacher at Glen Oaks High School. You stated that you would like to form two non-profit corporations to assist Glen Oaks High School. You stated that a Parent Teacher Organization would address the concerns of parents, teachers and administrators and attempt to solve problems associated with either group. The Parent Teacher Organization would further serve as a platform in which parents could support the school by way of volunteer efforts, fund-raising, and providing moral support to teachers and administrators. You stated that the Booster Club would serve as a support system for the school by way of fund-raising dedicated to extra-curricular activities and programs. You stated that you would receive no compensation from either non-profit corporation.

LAW

La. R.S. 42:1113A(1)(a) prohibits a public servant, excluding any legislator and any appointed member of any board or commission and any member of a governing authority of a parish with a population of ten thousand or less, or member of such a public servant's immediate family, or legal entity in which he has a controlling interest from bidding on or entering into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such public servant.

La. R.S. 42:1111C(2)(d) prohibits a public servant and a legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent, from receiving any thing of economic value for services rendered from a person who has or is seeking to obtain contractual or other business or financial relationships with the public servant's agency.

La. R.S. 42:1115A provides that no public servant shall solicit or accept, directly or indirectly, any thing of economic value as a gift or gratuity from any person or from any officer, director, agent, or employee of such person, if such public servant knows or reasonably should know that such person has or is seeking to obtain contractual or other business or financial relationships with the public servant's agency, or is seeking, for compensation, to influence the passage or defeat of legislation by the public servant's agency.

La. R.S. 42:1115B provides that no public employee shall solicit or accept, directly or indirectly, anything of economic value as a gift or gratuity from any person or from any officer, director, agent,

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or employee of such person, if such public employee knows or reasonably should know that such person conducts operations or activities which are regulated by the public employee's agency or has substantial economic interests which may be substantially affected by the performance or nonperformance of the public employee's official duty.

CONCLUSION

The Board concluded and instructed me to inform you, the Code of Governmental Ethics (Ethics Code) would not prohibit you from forming two non-profit corporations that would assist Glen Oaks High School where you are employed as a teacher for the East Baton Rouge Parish School Board, provided that you do not represent either corporation in contracts or other transactions with Glen Oaks High School. While La. R.S. 42:1113A(1)(a) prohibits a legal entity in which a public servant has a controlling interest from entering into a transaction with the public servant's agency, both the Parent Teachers Organization and the Booster Club are non-profit corporations, therefore you do not have a controlling interest in either entity. Further, since you will not be compensated by either the Parent Teacher Organization or the Booster Club you will not receive any thing of economic interest from a person who transacts business with your agency, thus there would be no violation under La. R.S. 42:1111C(2)(d).

Because you have indicated that fund raising may be involved with both corporations, the Board did want me to caution you that the Ethics Code prohibits a public servant from soliciting or accepting gifts under La. R.S. 42:1115 and that you may want to request a further advisory opinion providing the specifics of any fund raising activities.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Act, and conflict of interest provisions in the gaming laws. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Gregory L. Thibodeaux
For the Board